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and September 2, 1945, inclusive, or whose meritorious achievement has been otherwise confirmed by documents executed prior to July 1, 1947. For this purpose, an award of the Combat Infantryman Badge or Medical Badge is considered as a citation in orders. Documents executed since August 4, 1944 in connection with recommendations for the award of decorations of higher degree than the Bronze Star Medal will not be used to establish a basis for the award under this paragraph.

(4) Upon letter application, award of the Bronze Star Medal may be made to eligible soldiers who participated in the Philippine Islands Campaign between December 7, 1941 to May 10, 1942. Performance of duty must have been on the island of Luzon or the Harbor Defenses in Corregidor and Bataan. Only soldiers who were awarded the Distinguished Unit Citation (redesignated the Presidential Unit Citation on November 3, 1966) may be awarded this decoration. Letter application should be sent to NPRC (see paragraph (a)(3) of this section).

(b) *Description.* A bronze star 1½ inches in circumscribing diameter. In the center thereof is a ⅜-inch diameter raised bronze star, the center line of all rays of both stars coinciding. The reverse has the inscription "Heroic or Meritorious Achievement." The star is suspended by a rectangular-shaped loop with corners rounded from a moired silk ribbon 1⅜ inches in length and 1⅝ inches in width, composed of stripes of white (⅓-inch), red (⅓-inch), white (⅓-inch), blue (⅓-inch), white (⅓-inch), red (⅓-inch), and white (⅓-inch). A bronze block letter "V" ¼ inch in height with serifs at the top of the members is worn on the suspension and service ribbons of the Bronze Star Medal to denote an award made for heroism (valor). Not more than one "V" device will be worn. When one or more oak-leaf clusters appear on the same ribbon the "V" device is worn on the wearer's right. (E.O. 9419, February 4, 1944, 9 FR 1495)

§ 578.17 Purple Heart.

(a) *Criteria.* The Purple Heart was established by General George Washington at Newburgh, New York, on Au-

gust 7, 1782, during the Revolutionary War. It was reestablished by the President of the United States per War Department General Orders (WDGO) 3, 1932 and is currently awarded pursuant to Executive Order 11016, April 25, 1962; Executive Order 12464, February 23, 1984; Public Law 98-525, October 19, 1984. Public Law 103-160, November 30, 1993; Public Law 104-106, February 10, 1996; and Public Law 105-85, November 18, 1997. It is awarded in the name of the President of the United States to any member of the Armed Forces of the United States who, while serving under competent authority in any capacity with one of the U.S. Armed Services after April 5, 1917 who has been wounded or killed, or who has died or may hereafter die after being wounded:

(1) In any action against an enemy of the United States.

(2) In any action with an opposing armed force of a foreign country in which the Armed Forces of the United States are or have been engaged.

(3) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(4) As a result of an act of any such enemy of opposing armed forces.

(5) As the result of an act of any hostile foreign force.

(6) After March 28, 1973, as a result of an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the Secretary of Army, or jointly by the Secretaries of the separate armed services concerned if persons from more than one service are wounded in the attack.

(7) After March 28, 1973, as a result of military operations while serving outside the territory of the United States as part of a peacekeeping force.

(b) While clearly an individual decoration, the Purple Heart differs from all other decorations in that an individual is not "recommended" for the decoration; rather he or she is entitled to it upon meeting specific criteria.

(1) A Purple Heart is authorized for the first wound suffered under conditions indicated above, but for each subsequent award an Oak Leaf Cluster will be awarded to be worn on the medal or ribbon. Not more than one award will be made for more than one wound or injury received at the same instant or from the same missile, force, explosion, or agent.

(2) A wound is defined as an injury to any part of the body from an outside force or agent sustained under one or more of the conditions listed above. A physical lesion is not required, however, the wound for which the award is made must have required treatment by a medical officer and records of medical treatment for wounds or injuries received in action must have been made a matter of official record.

(3) When contemplating an award of this decoration, the key issue that commanders must take into consideration is the degree to which the enemy caused the injury. The fact that the proposed recipient was participating in direct or indirect combat operations is a necessary prerequisite, but is not sole justification for award.

(4) Examples of enemy-related injuries which clearly justify award of the Purple Heart are as follows:

(i) Injury caused by enemy bullet, shrapnel, or other projectile created by enemy action.

(ii) Injury caused by enemy placed mine or trap.

(iii) Injury caused by enemy released chemical, biological, or nuclear agent.

(iv) Injury caused by vehicle or aircraft accident resulting from enemy fire.

(v) Concussion injuries caused as a result of enemy generated explosions.

(5) Examples of injuries or wounds which clearly do not qualify for award of the Purple Heart are as follows:

(i) Frostbite or trench foot injuries.

(ii) Heat stroke.

(iii) Food poisoning not caused by enemy agents.

(iv) Chemical, biological, or nuclear agents not released by the enemy.

(v) Battle fatigue.

(vi) Disease not directly caused by enemy agents.

(vii) Accidents, to include explosive, aircraft, vehicular, and other acci-

dental wounding not related to or caused by enemy action.

(viii) Self-inflicted wounds, except when in the heat of battle, and not involving gross negligence.

(ix) Post traumatic stress disorders.

(x) Jump injuries not caused by enemy action.

(6) It is not intended that such a strict interpretation of the requirement for the wound or injury to be caused by direct result of hostile action be taken that it would preclude the award being made to deserving personnel. Commanders must also take into consideration the circumstances surrounding an injury, even if it appears to meet the criteria. Note the following examples:

(i) In a case such as an individual injured while making a parachute landing from an aircraft that had been brought down by enemy fire; or, an individual injured as a result of a vehicle accident caused by enemy fire, the decision will be made in favor of the individual and the award will be made.

(ii) Individuals injured as a result of their own negligence; for example, driving or walking through an unauthorized area known to have been mined or placed off limits or searching for or picking up unexploded munitions as war souvenirs, will not be awarded the Purple Heart as they clearly were not injured as a result of enemy action, but rather by their own negligence.

(7) Members killed or wounded in action by friendly fire, 10 U.S.C. 1129.

(i) For purposes of award of the Purple Heart, the Secretary of the Army shall treat a member of the Armed Forces described in paragraph (a) of this section in the same manner as a member who is killed or wounded in action as the result of an act of an enemy of the United States.

(ii) A member described in this subsection is a member who is killed or wounded in action by weapon fire while directly engaged in armed conflict, other than as the result of an act of an enemy of the United States, unless (in the case of a wound) the wound is the result of willful misconduct of the member.

(iii) This section applies to members of the Armed Forces who are killed or wounded on or after December 7, 1941.

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In the case of a member killed or wounded, as described in paragraph (b) of this section, on or after December 7, 1941 and before November 30, 1993, the Secretary of the Army shall award the Purple Heart under provisions of paragraph (a) of this section in each case which is known to the Secretary before such date or for which an application is made to the Secretary in such manner as the Secretary requires.

(c) A Purple Heart will be issued to the next of kin of each person entitled to a posthumous award. Issue will be made automatically by the CG, USA HRC, upon receiving a report of death indicating entitlement.

(d) Upon written application to NPRC (see § 578.16(a)(3)) award may be made to any member of the Army, who during World War I, was awarded a Meritorious Service Citation Certificate signed by the Commander in Chief, American Expeditionary Forces, or who was authorized to wear wound chevrons. Posthumous awards to personnel who were killed or died of wounds after April 5, 1917 will be made to the appropriate next of kin upon application to the CG, USA HRC (see § 578.3(c) for address).

(e) Any member of the Army who was awarded the Purple Heart for meritorious achievement or service, as opposed to wounds received in action, between December 7, 1941 and September 22, 1943, may apply for award of an appropriate decoration instead of the Purple Heart.

(f) For those who became Prisoners of War during World War II, the Korean War and after April 25, 1962, the Purple Heart will be awarded to individuals wounded while prisoners of foreign forces, upon submission by the individual to the Department of the U.S. Army of an affidavit that is supported by a statement from a witness, if this is possible. Documentation and inquiries should be directed to Commander, USA HRC (see § 578.3(c) for address).

(g) Any member of the U.S. Army who believes that he or she is eligible for the Purple Heart, but through unusual circumstances no award was made, may submit an application through military channels, to Commander, USA HRC (see § 578.3(c) for address). Application will include com-

plete documentation, to include evidence of medical treatment, pertaining to the wound.

(h) *Description.* On a purple heart within a bronze border, a profile head in relief of General George Washington in military uniform. Above the heart is a shield of General Washington's coat of arms between two sprays of leaves in green enamel. On the reserve below the shield and leaves without enamel is a raised bronze heart with the inscription "For Military Merit." The entire device is $1\frac{1}{16}$ inches in length. The medal is suspended by a rectangular-shaped loop with corners rounded from a moired silk ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width consisting of a purple (pansy) center with white edges ($\frac{1}{8}$ -inch).

§ 578.18 Meritorious Service Medal.

(a) *Criteria.* The Meritorious Service Medal was established by Executive Order 11448, January 16, 1969 as amended by Executive Order 12312, July 2, 1981. It is awarded to any member of the Armed Forces of the United States or to any member of the Armed Forces of a friendly foreign nation who, has distinguished himself or herself by outstanding meritorious achievement or service under the following circumstances:

(1) After January 16, 1969, for meritorious service or achievement while serving in a non-combat area.

(2) On or after September 11, 2001, for outstanding non-combat meritorious achievement or service in a non-combat or combat area.

(b) *Description.* A Bronze medal, $1\frac{1}{2}$ inches in diameter overall, consisting of six rays issuant from the upper three points of a five-pointed star with beveled edges and containing two smaller stars defined by incised outlines; in front of the lower part of the star an eagle with wings upraised standing upon two upward curving branches of laurel tied with a ribbon between the feet of the eagle. The reverse has the encircled inscriptions "UNITED STATES OF AMERICA" and "MERITORIOUS SERVICE". The moired ribbon is $1\frac{3}{8}$ inches wide and consists of the following stripes: $\frac{1}{8}$ inch Crimson 67112; $\frac{1}{4}$ inch White 67101; center $\frac{5}{8}$ inch